

1 BILL NO. G-84-08-10

2 GENERAL ORDINANCE NO. G-

3 AN ORDINANCE amending the Thoroughfare
4 Plan of the City Comprehensive ("Master")
5 Plan by vacating a dedicated plat.

6 WHEREAS, a petition to vacate a plat within the City of Fort
7 Wayne (as more specifically described below) was duly filed with the City
8 Plan Commissio; and,

9 WHEREAS, said Commission duly held a public hearing thereon;
10 and,

11 WHEREAS, said Commission has duly forwarded its recommendation
12 to this body approving said petition, all in accordance with I.C. 36-7-4-512(2)
13 and this body having held a public hearing on said vacation as provided in
14 I.C. 36-7-3-12; and

15 WHEREAS, this body concurs in the recommendation of the City
16 Planning Commission.

17 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY
18 OF FORT WAYNE, INDIANA:

19 SECTION 1. That the petition filed herein to vacate a plat
20 within the City of Fort Wayne, more specifically described as follows, to-wit:

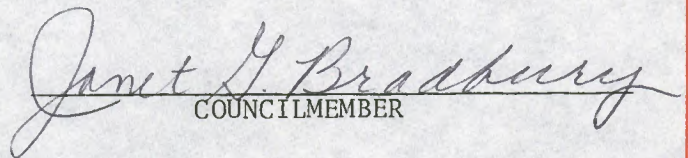
21 Part of Lot 6 Godfrey's Subdivision by Lewis Newberger,
22 Commissioner, as in Circuit Court Order Book "T", page 263
23 and in Deed Record 106, page 140, in the Office of the
24 Recorder of Allen County, Indiana, recorded, of a part
25 of John B. Richardville Reserve on the left bank of the
26 St. Mary's River in Township 30 North, Range 12 East, Allen
27 County, Indiana, being more particularly described as follows,
28 to-wit:

29 Beginning at the Southwest corner of Winterset Section III,
30 an Addition to the City of Fort Wayne, Indiana, as recorded
31 in Document #77-10736, in the Office of the Recorder of
32 Allen County, Indiana; thence N 61 degrees 20 minutes East,
on and along the Southerly line of said Winterset Section III,
a distance of 380.7 feet; thence South 82 degrees 01 minutes
East, continuing along said Southerly line, a distance of
300.0 feet; thence North 75 degrees 20 minutes East, continuing
along said Southerly line, a distance of 122.0 feet to the
Southeasterly corner of said Winterset Section III, being also
a point on the waters edge of the St. Mary's River; thence
South 24 degrees 01 minutes East, on and along said waters edge,
a distance of 317.4 feet to a point on the North right-of-way
of the Lower Huntington Road; thence South 63 degrees 28 minutes
West, on and along said North right-of-way line, a distance of
507.7 feet to the most Easterly corner of a certain tract of
land conveyed to Marion T. Feasel, as recorded in Document

Page two

#74-08984 in the Office of the Recorder of Allen County, Indiana; thence North 26 degrees 32 minutes West (recorded North 30 degrees 00 minutes West), on and along the Northeasterly line of said Feasel tract, a distance of 100.0 feet to the point of curvature of a regular curve to the left, having a radius of 50.0 feet; thence Northwesterly on and along the Northerly line of said Feasel tract, as defined by the arc of said curve, an arc distance of 78.54 feet (the chord of which bears North 71 degrees 32 minutes West for a length of 70.71 feet) to a point of tangency; thence South 63 degrees 28 minutes West, (recorded South 60 degrees 00 minutes West), on and along the Northwesterly line of said Feasel tract, a distance of 137.17 feet to the most Westerly corner of said Feasel tract, being also a point on the centerline of the Winchester Road; thence Northwesterly, on and along said centerline of Winchester Road, being a regular curve to the left having radius of 1146.2 feet, an arc distance of 43.39 feet (the chord of which bears North 31 degrees 51 minutes West for a length of 43.38 feet) to the point of tangency; thence North 32 degrees 56 minutes West, on and along said centerline of Winchester Road, a distance of 306.72 feet to the point of beginning, containing 6.769 acres of land, subject to the legal right-of-way for Winchester Road and subject to all legal easements of record. and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.


COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:


BRUCE O. BOXBERGER, CITY ATTORNEY

**Public Hearing to be held on _____, the _____ day of _____ 1984, in the Council Chambers.

Sandra E. Kennedy, City Clerk

Read the first time in full and on motion by Bradbury, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee Legislation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ .M., E.S.

DATE: 8-14-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Redd, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>7</u>	_____	_____	<u>2</u>	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	<u>✓</u>	_____
<u>STIER</u>	_____	_____	_____	<u>✓</u>	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 9-25-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. B-26-84

on the 25th day of September, 19 84,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Ray A. Ebert
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of September, 19 84, at the hour of 11:00 o'clock A. .M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 26th day of September, 19 84, at the hour of 10:30 o'clock A. .M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

VACATION ORDINANCE

PETITION TO VACATE (All of the Streets and Dedicated Utility Easements.)

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner, does hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following public streets, and dedicated utility easement, within the City of Fort Wayne, Indiana hereby described as follows:

DESCRIPTION

Part of Lot #6 of Godfrey's Subdivision by Lewis Newberger, Commissioner, as in Circuit Court Order Book "T", page 263 and in Deed Record 106, page 140, in the Office of the Recorder of Allen County, Indiana, recorded, of a part of John B. Richardville Reserve on the left bank of the St. Mary's River in Township 30 North, Range 12 East, Allen County, Indiana, being more particularly described as follows, to wit:

Beginning at the Southwest corner of Winterset Section III, an Addition to the City of Fort Wayne, Indiana, as recorded in Document #77-10736, in the Office of the Recorder of Allen County, Indiana; thence N 61°-20' E, on and along the Southerly line of said Winterset Section III, a distance of 380.7 feet; thence S 82°-01' E, continuing along said Southerly line, a distance of 300.0 feet; thence N 75°-20' E, continuing along said Southerly line, a distance of 122.0 feet to the Southeasterly corner of said Winterset Section III, being also a point on the waters edge of the St. Mary's River; thence S 24°-01' E, on and along said waters edge, a distance of 317.4 feet to a point on the North right-of-way of the Lower Huntington Road; thence S 63°-28' W, on and along said North right-of-way line, a distance of 507.7 feet to the most Easterly corner of a certain tract of land conveyed to Marion T. Feasel, as recorded in Document #74-08984 in the Office of the Recorder of Allen County, Indiana; thence N 26°-32' W (recorded N 30°-00' W), on and along the Northeasterly line of said Feasel tract, a distance of 100.0 feet to the point of curvature of a regular curve to the left, having a radius of 50.0 feet; thence Northwesterly on and along the Northerly line of said Feasel tract, as defined by the arc of said curve, an arc distance of 78.54 feet (the chord of which bears N 71°-32' W for a length of 70.71 feet) to a point of tangency; thence S 63°-28' W, (recorded S 60°-00' W), on and along the Northwesterly line of said Feasel tract, a distance of 137.17 feet to the most Westerly corner of said Feasel tract, being also a point on the centerline of the Winchester Road; thence Northwesterly, on and along said centerline of Winchester Road, being a regular curve to the left having a radius of 1146.2 feet, an arc distance of 43.39 feet (the chord of which bears N 31°-51' W for a length of 43.38 feet) to the point of tangency; thence N 32°-56' W, on and along said centerline of Winchester Road, a distance of 306.72 feet to the point of beginning, containing 6.769 acres of land, subject to the legal right-of-way for Winchester Road and subject to all legal easements of record.

In support thereof, your petitioner would represent as follows:

1. That they are the only owners of the real estate bordering both sides of said easements to be vacated.
2. That the drives, streets and other access easements are not necessary as ingress or egress to other property whatsoever.
3. That said streets are unopened and unimproved.
4. That no other person, firm, or corporation is interested in or affected by the requested vacation.
5. That the maintenance of said streets is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof.
6. That the easements established for utility purposes are not necessary or advantageous to the growth of the City of Fort Wayne.

Your petitioner file this petition pursuant to the authority granted in Indiana Code, Section 36-7-4-512 in order to complete the vacation as above described.

WHEREFORE, all letters in capitals, your petitioner pray that the above described streets and easements be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED THIS 23rd DAY OF July 19 84

John R. Worthman, Inc.
Ronald E. Flohr, Pres.
Adjacent Property Owner's Signature

John R. Worthman, Inc.
Ronald E. Flohr, Pres.
Petitioner's Signature

5800 Fairfield Ave.
Adjacent Property Owner's Address

5800 Fairfield Ave.
Petitioner's Address

[Signature]
Adjacent property Owner's Signature
JOHN R. WORTHMAN INC. SECT.

S. FLETCHER MOPPERT
Agent's Name & Address
1114 COMMERCE BLDG.
FT. W. IN. 46802

Adjacent Property Owner's Address

RESOLUTION 74-100-6 H.I.

WHEREAS, JOHN R. WORTHMAN has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated plat situated in Fort Wayne, Allen County, to-wit:

Part of Lot #6 of Godfrey's Subdivision by Lewis Hewberger, Commissioner, as in Circuit Court Order Book "T", page 263 and in Deed Record 106, page 140, in the Office of the Recorder of Allen County, Indiana, recorded, of a part of John B. Richardville Reserve on the left bank of the St. Mary's River in Township 30 North, Range 12 East, Allen County, Indiana, being more particularly described as follows, to wit:

Beginning at the Southwest corner of Winterset, Section III, an Addition to the City of Fort Wayne, Indiana, as recorded in Document #77-10736, in the Office of the Recorder of Allen County, Indiana; thence N 61°-20' E, on and along the Southerly line of said Winterset, Section III, a distance of 380.7 feet; thence S 82°-01' E, continuing along said Southerly line, a distance of 300.0 feet; thence N 75°-20' E, continuing along said Southerly line, a distance of 122.0 feet to the Southeasterly corner of said Winterset, Section III, being also a point on the waters edge of the St. Mary's River; thence S 24°-01' E, on and along said waters edge, a distance of 317.4 feet to a point on the North right-of-way line, of the Lower Huntington Rd; thence S 63°-28' W, on and along said North right-of-way line, a distance of 507.7 feet to the most Easterly corner of a certain tract of land conveyed to Marion T. Feasel, as recorded in Document #74-08984 in the Office of the Recorder of Allen County, Indiana; thence N 26°-32' W (recorded N 30°-00'W), on and along the Northeasterly line of said Feasel tract, a distance of 100.0 feet to the point of curvature of a regular curve to the left, having a radius of 50.0 feet; thence Northwesterly on and along the Northerly line of said Feasel tract, as defined by the arc of said curve, an arc distance of 78.54 feet (the chord of which bears N 71°-32' W for a length of 70.71 feet) to a point of tangency; thence S 63°-28' W (recorded S 60°-00'W), on and along the Northwesterly line of said Feasel tract, a distance of 137.17 feet to the most Westerly corner of said Feasel tract, being also a point on the centerline of the Winchester Road; thence Northwesterly, on and along said centerline of Winchester Road, being a regular curve to the left having a radius of 1145.92 feet, an arc distance of 43.39 feet (the chord of which bears N 31°-51' W for a length of 43.38 feet) to the point of tangency; thence N 32°-56' W, on and along said centerline of Winchester Road, a distance of 306.72 feet to the point of beginning, containing 6.769 acres of land, subject to the legal right-of-way for Winchester Road and subject to all legal easements of record.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3, of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated plat has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated plat hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated plat hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said plat or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said

utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN)

I, David J. Kiester, Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Works at their meeting held September 5, 1984 and as same appears of record in the official records of said Board of Public Works.

DATED THIS 5th DAY OF September, 1984

FORT WAYNE BOARD OF PUBLIC WORKS

David J. Kiester

David J. Kiester, Chairman

Betty R. Collins, Member

Cosette R. Simon

Cosette R. Simon, Member

RESOLUTION

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Part of Lot #6 of Godfrey's Subdivision by Lewis Hewberger, Commissioner, as in Circuit Court Order Book "T", page 263 and in Deed Record 106, page 140, in the Office of the Recorder of Allen County, Indiana, recorded, of a part of John B. Richardville Reserve on the left bank of the St. Mary's River in Township 30 North, Range 12 East, Allen County, Indiana, being more particularly described as follows, to wit:

Beginning at the Southwest corner of Winterset, Section 111, an Addition to the City of Fort Wayne, Indiana, as recorded in Document #77-10736, in the Office of the Recorder of Allen County, Indiana; thence N 61°-20' E, on and along the Southerly line of said Winterset, Section 111, a distance of 380.7 feet; thence S 82°-01' E, continuing along said Southerly line, a distance of 300.0 feet; thence N 75°-20' E, continuing along said Southerly line, a distance of 122.0 feet to the Southeasterly corner of said Winterset, Section 111, being also a point on the waters edge of the St. Mary's River; thence S 24°-01' E, on and along said waters edge, a distance of 317.4 feet to a point on the North right-of-way line, of the Lower Huntington Rd; thence S 63°-28' W, on and along said North right-of-way line, a distance of 507.7 feet to the most Easterly corner of a certain tract of land conveyed to Marion T. Feasel, as recorded in Document #74-08984 in the Office of the Recorder of Allen County, Indiana; thence N 26°-32' W (recorded N 30°-00'W), on and along the Northeasterly line of said Feasel tract, a distance of 100.0 feet to the point of curvature of a regular curve to the left, having a radius of 50.0 feet; thence Northwesterly on and along the Northerly line of said Feasel tract, as defined by the arc of said curve, an arc distance of 78.54 feet (the chord of which bears N 71°-32' W for a length of 70.71 feet) to a point of tangency; thence S 63°-28'W (recorded S 60°-00'W), on and along the Northwesterly line of said Feasel tract, a distance of 137.17 feet to the most Westerly corner of said Feasel tract, being also a point on the centerline of the Winchester Road; thence Northwesterly, on and along said centerline of Winchester Road, being a regular curve to the left having a radius of 1145.92 feet, an arc distance of 43.39 feet (the chord of which bears N 31°-51' W for a length of 43.38 feet) to the point of tangency; thence N 32°-56' W, on and along said centerline of Winchester Road, a distance of 306.72 feet to the point of beginning, containing 6.769 acres of land, subject to the legal right-of-way for Winchester Road and subject to all legal easements of record.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana code, Section 36-7-4-512.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on August 20, 1984 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated plat.

WHEREAS, said vacation of the plat has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said plat hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

Resolution

Page two

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated plat hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated plat or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said plat in Allen County, Indiana.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN)

I, Melvin O. Smith, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held August 27, 1984, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 4th DAY OF September 1984


FORT WAYNE CITY PLAN COMMISSION

Melvin O. Smith
Secretary

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 10747

FT. WAYNE, IND.,

1984

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

\$ 100.00

DOLLARS

100

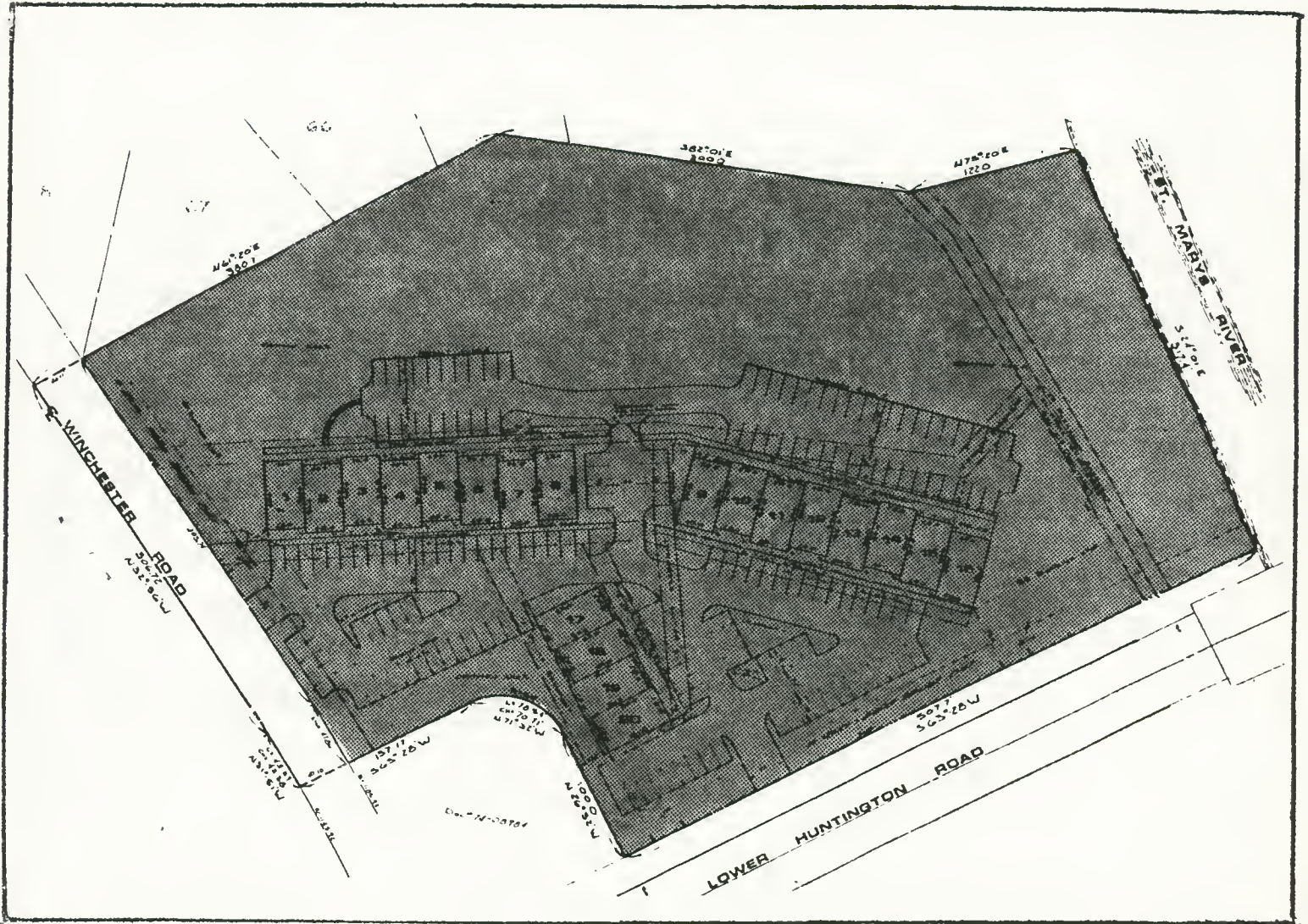
AUTHORIZED SIGNATURE

VACATION PETITION -92

A PETITION TO VACATE THE DESCRIBED PLAT.

MAP NO. L-27

COUNCILMANIC DISTRICT NO. 5



Zoning:

Land Use:

6-84-08-10

Scale: NOT TO SCALE

Date: 7-25-84



BILL NO. G-84-08-10

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE amending the Thoroughfare Plan of the City Comprehensive
("Master") Plan by vacating a dedicated plat

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

JANET G. BRADBURY, CHAIRWOMAN

SAMUEL J. TALARICO, VICE CHAIRMAN

CHARLES B. REDD

MARK E. GIAQUINTA

JAMES S. STIER

Janet G. Bradbury
Samuel J. Talarico
Charles B. Redd
Mark E. Giaquinta

CONCURRED IN 9-25-84
SANDRA E. KENNEDY, CITY CLERK

FACT SHEET

G-84-08-10

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Plat Vacation Ordinance

APPROVAL DEADLINE

None

REASON

G-84-08-10

DETAILS**Specific Location and/or Address**

Northeast corner of Winchester Road and
Lower Huntington Road

Reason for Project

Vacate plat to allow for the construction
of a Penguin Point Restaurant.

Discussion (Including relationship to other Council actions)

Fletcher Moppert, realtor stated that the plat is being vacated to accommodate the construction of a restaurant. He stated the plat has been in existence for over 7 years and proven to be undevelopable as platted. He stated the property is zoned B-4 - commercial and to vacate the plat at this time would allow for the progress of the development of this area.

Edward Uslar, 705 Snowfall Road
Jack Shafer, 7216 Snowfall Court
questioned what they intended to do with the wooded area that lies between the residential development and this property they are requesting vacated. They stated they felt this area acted like a buffer and without it felt it was cause their property to devalue.

Mr. Moppert stated that the wooded area is in the floodplain and would not allow them to build on it. He stated that they have no intentions of removing the area and would be willing to give written assurances to that effect.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

John R. Worthman
City Department

Other

Opponents**Groups or Individuals**

Basis of Opposition

**Staff
Recommendation**☒ For☐ Against

Reason Against

**Board or
Commission
Recommendation**

By

☒ For☐ Against☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

The residents also stated that they had some drainage problems in the area and felt this would add to the problems.

Mr. Moppert pointed out that the development of a restaurant was much less dense than the original plat they were trying to vacate.

Ben Eisbart suggested that the area residents and Mr. Moppert set a time to meet and go over any concerns and report to the Commission on their findings at the meeting on August 27th.

There was no one present who wished to speak in favor of or in opposition to the proposed vacation.

August 27, 1984 - Business Meeting

Motion was made by Edith Kenna, seconded by Mel Smith to approve the vacation request with the following conditions:

- 1) Dedication of designated floodplain as Rivergreenway easement.
- 2) Proper access to the property should be determined by Traffic Engineering.

Motion carried.

The Rivergreenway easement has been received by the Plan Commission staff.

Policy or
Program
Change

☒ No ☐ Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date July 23, 1984

Projected Completion or Occupancy

Date September 6, 1984

Fact Sheet Prepared by

Date September 6, 1984

Patricia Biancaniello
Reviewed by

Date

Reference or Case Number

Division of Community Development & Planning

BRIEF TITLE

Plat Vacation Ordinance

APPROVAL DEADLINE

None

REASON

DETAILS

Specific Location and/or Address

Northeast corner of Winchester Road and
Lower Huntington Road

Reason for Project

Vacate plat to allow for the construction
of a Penguin Point Restaurant.

Discussion (Including relationship to other Council actions)

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POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

John R. Worthman
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation☒ For☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For☐ Against☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL
ACTIONS
(For Council
use only)☐ Pass☐ Other

☐ Pass (as
amended)

☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

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Mr. Moppert pointed out that the development of a restaurant was much less dense than the original plat they were trying to vacate.

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- 2) Proper access to the property should be determined by Traffic Engineering.

Motion carried.

The Rivergreenway easement has been received by the Plan Commission staff.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date July 23, 1984

Projected Completion or Occupancy

Date September 6, 1984

Fact Sheet Prepared by

Date September 6, 1984

Patricia Biancaniello
Reviewed by

Date

Reference or Case Number

A PETITION TO VACATE THE DESCRIBED PLAT.

COUNCILMANIC DISTRICT NO. 5



Land Use:

6-84-08-10

Scale: *NOT TO SCALE*

Date: 7-25-84



RESOLUTION 74-100-6 H.I.

WHEREAS, JOHN R. WORTHMAN has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated plat situated in Fort Wayne, Allen County, to-wit:

Part of Lot #6 of Godfrey's Subdivision by Lewis Hewberger, Commissioner, as in Circuit Court Order Book "T", page 263 and in Deed Record 106, page 140, in the Office of the Recorder of Allen County, Indiana, recorded, of a part of John B. Richardville Reserve on the left bank of the St. Mary's River in Township 30 North, Range 12 East, Allen County, Indiana, being more particularly described as follows, to wit:

Beginning at the Southwest corner of Winterset, Section 111, an Addition to the City of Fort Wayne, Indiana, as recorded in Document #77-10736, in the Office of the Recorder of Allen County, Indiana; thence N 61°-20' E, on and along the Southerly line of said Winterset, Section 111, a distance of 380.7 feet; thence S 82°-01' E, continuing along said Southerly line, a distance of 300.0 feet; thence N 75°-20' E, continuing along said Southerly line, a distance of 122.0 feet to the Southeasterly corner of said Winterset, Section 111, being also a point on the waters edge of the St. Mary's River; thence S 24°-01' E, on and along said waters edge, a distance of 317.4 feet to a point on the North right-of-way line, of the Lower Huntington Rd; thence S 63°-28' W, on and along said North right-of-way line, a distance of 507.7 feet to the most Easterly corner of a certain tract of land conveyed to Marion T. Feasel, as recorded in Document #74-08984 in the Office of the Recorder of Allen County, Indiana; thence N 26°-32' W (recorded N 30°-00'W), on and along the Northeasterly line of said Feasel tract, a distance of 100.0 feet to the point of curvature of a regular curve to the left, having a radius of 50.0 feet; thence Northwesterly on and along the Northerly line of said Feasel tract, as defined by the arc of said curve, an arc distance of 78.54 feet (the chord of which bears N 71°-32' W for a length of 70.71 feet) to a point of tangency; thence S 63°-28'W (recorded S 60°-00'W), on and along the Northwesterly line of said Feasel tract, a distance of 137.17 feet to the most Westerly corner of said Feasel tract, being also a point on the centerline of the Winchester Road; thence Northwesterly, on and along said centerline of Winchester Road, being a regular curve to the left having a radius of 1145.92 feet, an arc distance of 43.39 feet (the chord of which bears N 31°-51' W for a length of 43.38 feet) to the point of tangency; thence N 32°-56' W, on and along said centerline of Winchester Road, a distance of 306.72 feet to the point of beginning, containing 6.769 acres of land, subject to the legal right-of-way for Winchester Road and subject to all legal easements of record.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3, of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated plat has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated plat hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated plat hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said plat or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said

utilities shall file a written consent to said vacation.

COUNTY OF ALLEN)

I, David J. Kister, Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Works at their meeting held September 5, 1984 and as same appears of record in the official records of said Board of Public Works.

DATED THIS 5th DAY OF September, 1984

FORT WAYNE BOARD OF PUBLIC WORKS

David J. Kiester
David J. Kiester, Chairman

Betty R. Collins, Member

Cosette R. Simon
Cosette R. Simon, Member

Cosette R. Simon, Member

RESOLUTION

WHEREAS, JOHN R. WORTHMAN has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated plat situated in Fort Wayne, Allen County, to-wit:

Part of Lot #6 of Godfrey's Subdivision by Lewis Hewberger, Commissioner, as in Circuit Court Order Book "T", page 263 and in Deed Record 106, page 140, in the Office of the Recorder of Allen County, Indiana, recorded, of a part of John B. Richardville Reserve on the left bank of the St. Mary's River in Township 30 North, Range 12 East, Allen County, Indiana, being more particularly described as follows, to wit:

Beginning at the Southwest corner of Winterset, Section III, an Addition to the City of Fort Wayne, Indiana, as recorded in Document #77-10736, in the Office of the Recorder of Allen County, Indiana; thence N 61°-20' E, on and along the Southerly line of said Winterset, Section III, a distance of 380.7 feet; thence S 82°-01' E, continuing along said Southerly line, a distance of 300.0 feet; thence N 75°-20' E, continuing along said Southerly line, a distance of 122.0 feet to the Southeasterly corner of said Winterset, Section III, being also a point on the waters edge of the St. Mary's River; thence S 24°-01' E, on and along said waters edge, a distance of 317.4 feet to a point on the North right-of-way line, of the Lower Huntington Rd; thence S 63°-28' W, on and along said North right-of-way line, a distance of 507.7 feet to the most Easterly corner of a certain tract of land conveyed to Marion T. Feasel, as recorded in Document #74-08984 in the Office of the Recorder of Allen County, Indiana; thence N 26°-32' W (recorded N 30°-00'W), on and along the Northeasterly line of said Feasel tract, a distance of 100.0 feet to the point of curvature of a regular curve to the left, having a radius of 50.0 feet; thence Northwesterly on and along the Northerly line of said Feasel tract, as defined by the arc of said curve, an arc distance of 78.54 feet (the chord of which bears N 71°-32' W for a length of 70.71 feet) to a point of tangency; thence S 63°-28'W (recorded S 60°-00'W), on and along the Northwesterly line of said Feasel tract, a distance of 137.17 feet to the most Westerly corner of said Feasel tract, being also a point on the centerline of the Winchester Road; thence Northwesterly, on and along said centerline of Winchester Road, being a regular curve to the left having a radius of 1145.92 feet, an arc distance of 43.39 feet (the chord of which bears N 31°-51' W for a length of 43.38 feet) to the point of tangency; thence N 32°-56' W, on and along said centerline of Winchester Road, a distance of 306.72 feet to the point of beginning, containing 6.769 acres of land, subject to the legal right-of-way for Winchester Road and subject to all legal easements of record.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Asembly of the State of Indiana, Indiana code, Section 36-7-4-512.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on August 20, 1984 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated plat.

WHEREAS, said vacation of the plat has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said plat hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated plat hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated plat or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

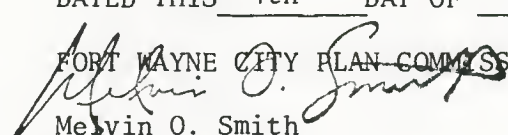
BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said plat in Allen County, Indiana.

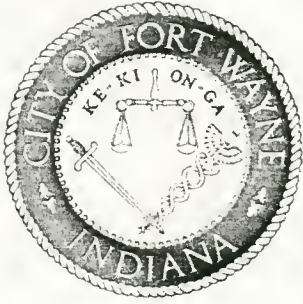
STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Melvin O. Smith, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held August 27, 1984, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 4th DAY OF September 1984

FORT WAYNE CITY PLAN COMMISSION


Melvin O. Smith
Secretary



The City of Fort Wayne

September 11, 1984

Ms. Trudy Sterling
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Sterling:

Please give the attached full coverage on the date of September 14, 1984, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-84-08-10
Vacation of a dedicated subdivision

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
BILL NO. G-84-08-10

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, September 25, 1984, at 7:30 P.M., (EST) in Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows: proposed vacation of a dedicated subdivision known as Winterset Rigde, Section III.

Part of Lot #6 of Godfrey's Subdivision by Lewis Newberger, Commissioner, as in Circuit Court Order Book "T", page 263 and in Deed Record 106, page 140, in the Office of the Recorder of Allen County, Indiana, recorded, of a part of John B. Richardville Reserve on the left bank of the St. Mary's River in Township 30 North, Range 12 East, Allen County, Indiana, being more particularly described as follows, to wit:

Beginning at the Southwest corner of Winterset Section III, an Addition to the City of Fort Wayne, Indiana, as recorded in Document #77-10736, in the Office of the Recorder of Allen County, Indiana; thence N 61°-20' E, on and along the Southerly line of said Winterset Section III, a distance of 380.7 feet; thence S 82°-01' E, continuing along said Southerly line, a distance of 300.0 feet; thence N 75°-20' E, continuing along said Southerly line, a distance of 122.0 feet to the Southeasterly corner of said Winterset Section III, being also a point on the waters edge of the St. Mary's River; thence S 24°-01' E, on and along said waters edge, a distance of 317.4 feet to a point on the North right-of-way of the Lower Huntington Road; thence S 63°-28' W, on and along said North right-of-way line, a distance of 507.7 feet to the most Easterly corner of a certain tract of land conveyed to Marion T. Feasel, as recorded in Document #74-08984 in the Office of the Recorder of Allen County, Indiana; thence N 26°-32' W (recorded N 30°-00' W), on and along the Northeasterly line of said Feasel tract, a distance of 100.0 feet to the point of curvature of a regular curve to the left, having a radius of 50.0 feet; thence Northwesterly on and along the Northerly line of said Feasel tract, as defined by the arc of said curve, an arc distance of 78.54 feet (the chord of which bears N 71°-32' W for a length of 70.71 feet) to a point of tangency; thence S 63°-28' W, (recorded S 60°-00' W), on and along the Northwesterly line of said Feasel tract, a distance of 137.17 feet to the most Westerly corner of said Feasel tract, being also a point on the centerline of the Winchester Road; thence Northwesterly, on and along said centerline of Winchester Road, being a regular curve to the left having a radius of 1146.2 feet, an arc distance of 43.39 feet (the chord of which bears N 31°-51' W for a length of 43.38 feet) to the point of tangency; thence N 32°-56' W, on and along said centerline of Winchester Road, a distance of 306.72 feet to the point of beginning, containing 6.769 acres of land, subject to the legal right-of-way for Winchester Road and subject to all legal easements of record.

All interested parties are invited to appear and be heard.

Fort Wayne Common Council

Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

NOTICE OF PUBLIC HEARING

You are hereby notified that the Fort Wayne City Plan Commission will conduct a public hearing on Monday, August 20, 1984 at 7:00 P.M., in Room #126, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana on the following proposed vacation of a dedicated subdivision known as Winterset Ridge, Section III.

Part of Lot #6 of Godfrey's Subdivision by Lewis Newberger, Commissioner, as in Circuit Court Order Book "T", page 263 and in Deed Record 106, page 140, in the Office of the Recorder of Allen County, Indiana, recorded, of a part of John B. Richardville Reserve on the left bank of the St. Mary's River in Township 30 North, Range 12 East, Allen County, Indiana, being more particularly described as follows, to wit:

Beginning at the Southwest corner of Winterset Section III, an Addition to the City of Fort Wayne, Indiana, as recorded in Document #77-10736, in the Office of the Recorder of Allen County, Indiana; thence N 61°-20' E, on and along the Southerly line of said Winterset Section III, a distance of 380.7 feet; thence S 82°-01' E, continuing along said Southerly line, a distance of 300.0 feet; thence N 75°-20' E, continuing along said Southerly line, a distance of 122.0 feet to the Southeasterly corner of said Winterset Section III, being also a point on the waters edge of the St. Mary's River; thence S 24°-01' E, on and along said waters edge, a distance of 317.4 feet to a point on the North right-of-way of the Lower Huntington Road; thence S 63°-28' W, on and along said North right-of-way line, a distance of 507.7 feet to the most Easterly corner of a certain tract of land conveyed to Marion T. Feasel, as recorded in Document #74-08984 in the Office of the Recorder of Allen County, Indiana; thence N 26°-32' W (recorded N 30°-00' W), on and along the Northeasterly line of said Feasel tract, a distance of 100.0 feet to the point of curvature of a regular curve to the left, having a radius of 50.0 feet; thence Northwesterly on and along the Northerly line of said Feasel tract, as defined by the arc of said curve, an arc distance of 78.54 feet (the chord of which bears N 71°-32' W for a length of 70.71 feet) to a point of tangency; thence S 63°-28' W, (recorded S 60°-00' W), on and along the Northwesterly line of said Feasel tract, a distance of 137.17 feet to the most Westerly corner of said Feasel tract, being also a point on the centerline of the Winchester Road; thence Northwesterly, on and along said centerline of Winchester Road, being a regular curve to the left having a radius of 1146.2 feet, an arc distance of 43.39 feet (the chord of which bears N 31°-51' W for a length of 43.38 feet) to the point of tangency; thence N 32°-56' W, on and along said centerline of Winchester Road, a distance of 306.72 feet to the point of beginning, containing 6.769 acres of land, subject to the legal right-of-way for Winchester Road and subject to all legal easements of record.

All interested persons are invited to appear and be heard.

FORT WAYNE CITY PLAN COMMISSION

Melvin O. Smith
Secretary

September 11, 1984

NOTICE OF PUBLIC HEARING ON BILL NO. G-84-08-10

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, September 25, 1984, at 7:30 P.M. (EST), in the Council Conference Room, 1st Floor, Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

Part of Lot #6 of Godfrey's Subdivision by Lewis Newberger, Commissioner, as in Circuit Court Order Book "T", page 263 and in Deed Record 106, page 140, in the Office of the Recorder of Allen County, Indiana, recorded, of a part of John B. Richardville Reserve on the left bank of the St. Mary's River in Township 30 North, Range 12 East, Allen County, Indiana, being more particularly described as follows, to wit:

Beginning at the Southwest corner of Winterset Section III, an Addition to the City of Fort Wayne, Indiana, as recorded in Document #77-10736, in the Office of the Recorder of Allen County, Indiana; thence N 61°-20' E, on and along the Southerly line of said Winterset Section III, a distance of 380.7 feet; thence S 82°-01' E, continuing along said Southerly line, a distance of 300.0 feet; thence N 75°-20' E, continuing along said Southerly line, a distance of 122.0 feet to the Southeasterly corner of said Winterset Section III, being also a point on the waters edge of the St. Mary's River; thence S 24°-01' E, on and along said waters edge, a distance of 317.4 feet to a point on the North right-of-way of the Lower Huntington Road; thence S 63°-28' W, on and along said North right-of-way line, a distance of 507.7 feet to the most Easterly corner of a certain tract of land conveyed to Marion T. Feasel, as recorded in Document #74-08984 in the Office of the Recorder of Allen County, Indiana; thence N 26°-32' W (recorded N 30°-00' W), on and along the Northeasterly line of said Feasel tract, a distance of 100.0 feet to the point of curvature of a regular curve to the left, having a radius of 50.0 feet; thence Northwesterly on and along the Northerly line of said Feasel tract, as defined by the arc of said curve, an arc distance of 78.54 feet (the chord of which bears N 71°-32' W for a length of 70.71 feet) to a point of tangency; thence S 63°-28' W, (recorded S 60°-00' W), on and along the Northwesterly line of said Feasel tract, a distance of 137.17 feet to the most Westerly corner of said Feasel tract, being also a point on the centerline of the Winchester Road; thence Northwesterly, on and along said centerline of Winchester Road, being a regular curve to the left having a radius of 1146.2 feet, an arc distance of 43.39 feet (the chord of which bears N 31°-51' W for a length of 43.38 feet) to the point of tangency; thence N 32°-56' W, on and along said centerline of Winchester Road, a distance of 306.72 feet to the point of beginning, containing 6.769 acres of land, subject to the legal right-of-way for Winchester Road and subject to all legal easements of record.

Page 2

September 11, 1984

Vacation - Winterset Ridge, Section III

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Sincerely,

Sandra E. Kennedy
City Clerk

AGENT: Fletcher Moppert / 1114 Commerce Building / City 02

AREA RESIDENTS NOTIFIED:

Criswell / 7226 Winchester Road / 19
Tritch / 7214 " "
Hartman / 7122 " "
Welbaum / 7110 " "
Troukow / 7022 " "

Lebold / 728 Snowfall Road / 19
Lazoff / 720 " "
Beck / 716 " "
Staak / 712 " "
Us1ar / 705 " "

Shaffer / 7216 Snowfall Court / 19
Osborne / 7217 " "

PS Form 3811, July 1982

- **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
☒ Show to whom and date delivered ¢
☐ Show to whom, date, and address of delivery .. ¢
 2. ☐ **RESTRICTED DELIVERY** ¢
 (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$ _____

3. **ARTICLE ADDRESSED TO:**

Fletcher Moppert
1114 Commerce Bldg.

4. **TYPE OF SERVICE:** **ARTICLE NUMBER**
☐ REGISTERED ☐ INSURED
☒ **CERTIFIED** ☐ COD P32 4565087
☐ EXPRESS MAIL

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

5. DATE OF DELIVERY *9-12-84* POSTMARK
 (may be on reverse side)
1984

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

RETURN RECEIPT

★ GPO: 1982-379-593

P32 4565037

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)

SENT TO		Fletcher Moppert	
STREET AND NO.		1114 Commerce Bldg.	
P.O., STATE AND ZIP CODE		Fort Wayne, IN 46802	
POSTAGE		\$	
CONSULT POSTMASTER FOR FEES	OPTIONAL SERVICES	CERTIFIED FEE	¢
		SPECIAL DELIVERY	¢
		RESTRICTED DELIVERY	¢
	RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED	¢
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	¢
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	¢
TOTAL POSTAGE AND FEES		\$	
POSTMARK OR DATE			

PS Form 3800, Apr. 1976

ORIGINAL

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Subdivision Vacation OrdinanceDEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P 9-84-08-10SYNOPSIS OF ORDINANCE Winterset Section IIICOUNCILMANIC DISTRICT: 5Sq. Ft. 520,977 - 11.96 AcresProperty Owners: John R. Worthman, Inc.

EFFECT OF PASSAGE Property is a dedicated plat. Property becomes an unplatted
parcel of land.

EFFECT OF NON-PASSAGE Property remains a dedicated plat.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____

Fort Wayne Common Council
(Governmental Unit)
Allen
County, IN

To JOURNAL-GAZETTE Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines			
Head	number of lines		2
Body	number of lines		60
Tail	number of lines		3
Total number of lines in notice			65

COMPUTATION OF CHARGES

65	lines,	1	columns wide equals	65	equivalent lines at	.300¢	\$	19.50
cents per line								
Additional charge for notices containing rule or tabular work (50 per cent of above amount)								
Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra								
TOTAL AMOUNT OF CLAIM								\$ 20.50

DATA FOR COMPUTING COST

Width of single column 12.5 picas	Size of type 6 point
Number of insertions 1	Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Roose

Date Sept. 14 19 84

Title CLERK

FORM #904

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

d centerline of Winchester Road, a distance of 5.72 feet to the point of beginning, containing 6.769 as of land, subject to the legal right-of-way for Winchester Road and subject to all legal easements of record.
All interested parties are invited to appear and be heard.
Fort Wayne Common Council
Sandra E. Kannady
City Clerk

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that he/she is CLERK of the JOURNAL-GAZETTE DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time the dates of publication being as follows:

9/14/84

Drusilla Roose

Subscribed and sworn to me before this 14th day of September 19 84

Notary Public

My commission expires November 29, 1985

Fort Wayne Common Council
(Governmental Unit)
Allen
County, IN

To NEW-SENTINEL Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines
Head number of lines	2
Body number of lines	60
Tail number of lines	3
Total number of lines in notice	65

COMPUTATION OF CHARGES

65 lines, 1 columns wide equals 65 equivalent lines at .300¢ cents per line	\$ 19.50
Additional charge for notices containing rule or tabular work (50 per cent of above amount)
Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra	1.00
TOTAL AMOUNT OF CLAIM	\$ 20.50

DATA FOR COMPUTING COST

Width of single column 12.5 picas	Size of type 6 point
Number of insertions 1	Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Roose

Title CLERK

NOTICE OF PUBLIC HEARING
BILL NO. G-84-08-10

Notica is haraby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, Septamber 25, 1984 at 7:30 P.M., E.S.T., in Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, mora particularly described as follows:

Part of Lot 6 of Godfray's Subdivision by Lawis Nawbarger, Commissioner, as in Circuit Court Order Book "T", page 263 and in Deed Racord 106, page 140, in tha Office of tha Recorder of Allen County, Indiana, racorded, of a part of John B. Richardville Resarva on tha latt bank of the St. Mary's River in Township 30 North, Range 12 East, Allen County, Indiana, baing more particularly described as follows, to wit:

Beginning at the southwest corner of Wintarsel Section 11, an Addition to the City of Fort Wayne, Indiana, as racorded in Document 77-10736, in the Office of tha Recorder of Allen County, Indiana; thence N 61 degraas-20' E, on and along tha southerly lina of said Wintarsel Section 11, a distancia of 380.7 feet; thence S 82 degrees-01' E, continuing along said southerly lina, a distancia of 300.0 feet; thence N 75 degrees-20' E, continuing along said southerly lina, a distancia of 122.0 feet to the southeasterly corner of said Wintarsel Section 11, being also a point on the waters adga of the St. Mary's River; thance S 24 degrees-01' E, on and along said waters edge, a distancia of 317.4 feet to a point on the north right-of-way lina of the Lower Huntington Road; thance S 63 degraes-28' W, on and along said north right-of-way lina, a distancia of 507.7 feet to the most easterly corner of a certain tract of land conveyed to Marion T. Feasel, as racorded in Document 74-08984 in the Office of tha Recorder of Allen County, Indiana; thence N 26 degrees-32' W (racorded N 30 degrees-00' W), on and along the northeasterly line of said Feasel tract, a distancia of 100.0 feet to the point of curvature of a regular curva to the left, having a radius of 50.0 feet; thance northwesterly on and along the northerly lina of said Feasel tract, as defined by the arc of said curva, an arc distancia of 78.54 feet (the chord of which bears N 71 degrees-31' W for a length of 70.71 feet) to a point of tangency; thence S 63 degrees-28' W (racorded S 60 degrees-00' W), on and along tha most westerly corner of said Feasel tract, being also a point on the centerline of the Winchester Road; thence northwesterly, on and along said centerline of Winchester Road, baing a regular curva to the left having a radius of 1146.2 feet, an arc distancia of 43.39 feet (the chord of which bears N 31 degrees-51' W for a length of 43.38 feet) to the point of tangency; thence N 32 degrees-56' W, on and along said centerline of Winchester Road, a distancia of 306.72 feet to the point of beginning, containing 6.769 acres of land, subject to the legal right-of-way for Winchester Road and subject to all legal easements of record.

All intarstad parties ara invited to appear and be haard.

Fort Wayne Common Council
Sandra E. Kennedy
City Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that he/she is CLERK of the NEWS-SENTINEL DAILY newspaper of general circulation printed and published in the English language in the city town of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time the dates of publication being as follows: 9/14/84

Subscribed and sworn to me before this 14th day of September 19 84

Notary Public

My commission expires November 29, 1985

Fort Wayne Common Council
(Governmental Unit)
Allen
County, IN

To NEW-SENTINEL Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines	
Head	number of lines	2
Body	number of lines	60
Tail	number of lines	3
Total number of lines in notice		65

COMPUTATION OF CHARGES

65 lines, 1 columns wide equals 65 equivalent lines at .300¢	\$ 19.50
cents per line	
Additional charge for notices containing rule or tabular work (50 per cent of above amount)	
Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra	1.00
TOTAL AMOUNT OF CLAIM	
	\$ 20.50

DATA FOR COMPUTING COST

Width of single column 12.5 picas	Size of type 6 point
Number of insertions 1	Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date Sept. 14, 19 84

Drusilla Roose
Title CLERK

FORM #903

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that he/she is CLERK of the NEWS-SENTINEL DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time the dates of publication being as follows: 9/14/84

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County into, a distance of 300.0 feet; thence N 75 degrees-20' E, continuing along said southerly line, a distance of 122.0 feet to the southeasterly corner of said Wintersat Section III, being also a point on the waters edge of the St. Mary's River; thence S 24 degrees-01' E, on end along said waters edge, a distance of 317.4 feet to a point on the north right-of-way line of the Lower Huntington Road; thence S 63 degrees-28' W, on end along said north right-of-way line, a distance of 507.7 feet to the most easterly corner of a certain tract of land conveyed to Merion T. Feasel, as recorded in Document 74-08984 in the Office of the Recorder of Allen County, Indiana; thence N 26 degrees-32' W (recorded N 30 degrees-00' W), on end along the northeasterly line of said Feasel tract, a distance of 100.0 feet to the point of curvature of a regular curve to the left, having a radius of 50.0 feet; thence northwesterly on and along the northerly line of said Feasel tract, as defined by the arc of said curve, an arc distance of 78.54 feet (the chord of which bears N 71 degrees-31' W for a length of 70.71 feet) to a point of tangency; thence S 63 degrees-28' W (recorded S 60 degrees-00' W), on end along the most westerly corner of said Feasel tract, being also a point on the centerline of the Winchester Road, thence northwesterly, on and along said centerline of Winchester Road, being a regular curve to the left having a radius of 1146.2 feet, an arc distance of 43.39 feet (the chord of which bears N 31 degrees-51' W for a length of 43.38 feet) to the point of tangency; thence N 32 degrees-56' W, on and along said centerline of Winchester Road, a distance of 306.72 feet to the point of beginning, containing 6.769 acres of land, subject to the legal right-of-way for Winchester Road and subject to all legal easements of record.

All interested parties are invited to appear and be heard.

Fort Wayne Common Council
Sandra E. Kennedy
City Clerk

9/14